

MEMORANDUM

TO: Parties in D.T.E. 04-68

FROM: Joan Foster Evans, Hearing Officer

DATE: March 14, 2005

RE: NSTAR Electric Second Revised Consolidated Motion for a Protective Order

CC: Mary Cottrell, Secretary
D.T.E. 04-68 service list

On December 13, 2004, Boston Edison Company d/b/a NSTAR Electric (“NSTAR Electric” or “Company”) filed with the Department of Telecommunications and Energy (“Department”) a Second Revised Consolidated Motion for a Protective Order (“Motion”).¹ Attached to its Motion, NSTAR Electric provided a list of exhibits for which it requests confidential treatment. NSTAR Electric argues that the exhibits on the list contain (1) competitively sensitive information relating to NSTAR Electric’s 2003 Auction of its purchase power agreements (“PPAs”), including information about individual bids, the Company’s internal evaluations and analyses of bids, and the Company’s negotiating strategies; and (2) competitively sensitive projections of future energy prices and forecasts of payments to be made pursuant to existing PPAs (Motion at 2). On March 2, 2005, NSTAR Electric filed an amendment to the list attached to the Motion, which contained one exhibit which had been marked as confidential and admitted into evidence as a confidential exhibit, but was inadvertently left off the list attached to the Motion. The Hearing Officer includes that exhibit in her ruling below.² No party objected to NSTAR Electric’s Motion.

The Hearing Officer finds that the exhibits on the list attached to NSTAR Electric’s Motion, as amended on March 2, 2005, are competitively sensitive and confidential pursuant to G.L. c. 25, § 5D, and therefore grants NSTAR Electric’s Motion, with the following exception. In its Motion, NSTAR Electric requests confidential treatment of information regarding its 2003 Auction, including bid information, for a period of ten years (Motion at 6). The Hearing Officer finds that confidential treatment will be granted for a period of three years

¹ NSTAR Electric states that the Second Revised Consolidated Motion supersedes previous motions for protective treatment filed in this docket, and seeks protective treatment for all confidential exhibits filed in the proceeding since its inception (Motion at 1, n.1).

² The Hearing Officer removes RR-DTE-1(att.) from the list of confidential exhibits in this docket. The attachment was never provided with RR-DTE-1, but was provided as an attachment to RR-DTE-6.

from the date of the final Order in this docket. If NSTAR Electric determines that it is necessary to extend the time period for confidential treatment, it may request an extension of confidential treatment for good cause shown. In addition, upon completion of all of NSTAR Electric's PPA buyouts and renegotiations under the Restructuring Act, the § 5D protection accorded here will terminate without further action of the Department. See Boston Edison Company, D.T.E. 99-16, at 4 (1999).